

111TH CONGRESS
1ST SESSION

S. 1270

To modify the boundary of the Oregon Caves National Monument, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 16, 2009

Mr. WYDEN (for himself and Mr. MERKLEY) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To modify the boundary of the Oregon Caves National Monument, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Oregon Caves National
5 Monument Boundary Adjustment Act of 2009”.

6 **SEC. 2. FINDINGS; PURPOSE.**

7 (a) FINDINGS.—Congress finds that—

8 (1) the Oregon Caves National Monument—

1 (A) is comprised of a rectangular area of
2 approximately 480 acres located in the Siskiyou
3 Mountains of southern Oregon; and

4 (B) was established by Presidential Procla-
5 mation Number 876 (36 Stat. 2497), dated
6 July 12, 1909, to protect the caves, which were
7 determined to have unusual scientific interest
8 and importance;

9 (2) on June 10, 1933, in accordance with Exec-
10 utive Order 6166 (5 U.S.C. 901 note), the adminis-
11 tration of the Monument was transferred from the
12 Secretary of Agriculture to the Secretary of the In-
13 terior; and

14 (3) the 1999 general management plan for the
15 Monument contains a recommendation for adding
16 surrounding land to the Monument—

17 (A) to provide better protection for—

- 18 (i) cave ecology;
19 (ii) surface and subsurface hydrology;
20 (iii) public water supplies; and
21 (iv) trails and views;

22 (B) to establish a logical topographical
23 boundary; and

24 (C) to enhance public outdoor recreation
25 opportunities.

1 (b) PURPOSE.—The purpose of this Act is to add sur-
2 rounding land to the Monument—

- 3 (1) to enhance the protection of the resources
4 associated with the Monument; and
5 (2) to increase public recreation opportunities.

6 **SEC. 3. DEFINITIONS.**

7 In this Act:

8 (1) GRAZING ALLOTMENT.—The term “grazing
9 allotment” means—

10 (A) the Big Grayback Grazing Allotment
11 located in the Rogue River-Siskiyou National
12 Forest; and

13 (B) the Billy Mountain Grazing Allotment
14 located in a parcel of land that is—

15 (i) managed by the Secretary (acting
16 through the Director of the Bureau of
17 Land Management); and

18 (ii) located in close proximity to the
19 land described in subparagraph (A).

20 (2) GRAZING LEASE; GRAZING PERMIT.—The
21 terms “grazing lease” and “grazing permit” mean
22 any document authorizing the use of a grazing allot-
23 ment for the purpose of grazing livestock for com-
24 mercial purposes.

1 (3) LESSEE; PERMITTEE.—The terms “lessee”
2 and “permittee” mean a livestock operator that
3 holds a valid existing grazing lease or permit for a
4 grazing allotment.

5 (4) MAP.—The term “map” means the map en-
6 titled “Oregon Caves National Monument, Proposed
7 Boundary” numbered 150/80,023, and dated June
8 2008.

9 (5) MONUMENT.—The term “Monument”
10 means the Oregon Caves National Monument estab-
11 lished by Presidential Proclamation Number 876 (36
12 Stat. 2497), dated July 12, 1909.

13 (6) NATIONAL PARK SERVICE SITE.—The term
14 “National Park Service site” means the aggregate
15 parcel of land that is comprised of 2 parcels of land
16 depicted on the map as—

17 (A) the “Existing Oregon Caves National
18 Monument”; and

19 (B) the “Proposed Addition Lands”.

20 (7) NATIONAL PRESERVE.—The term “National
21 Preserve” means the National Preserve designated
22 by section 4(d).

23 (8) SECRETARY.—The term “Secretary” means
24 the Secretary of the Interior.

1 (9) SECRETARY CONCERNED.—The term “Sec-
2 retary concerned” means—

3 (A) the Secretary of Agriculture (acting
4 through the Chief of the Forest Service), with
5 respect to National Forest System land; and

6 (B) the Secretary of the Interior, with re-
7 spect to land managed by the Bureau of Land
8 Management (including land held for the ben-
9 efit of an Indian tribe).

10 (10) STATE.—The term “State” means the
11 State of Oregon.

12 **SEC. 4. BOUNDARY ADJUSTMENT; LAND TRANSFER; DES-**
13 **IGNATION.**

14 (a) BOUNDARY ADJUSTMENT.—The boundary of the
15 National Park Service site is modified—

16 (1) to include approximately 4,070 acres of
17 land identified on the map as the “Proposed Addi-
18 tion Lands”; and

19 (2) to exclude approximately 4 acres of land—

20 (A) located in the City of Cave Junction;
21 and

22 (B) identified on the map as the “Cave
23 Junction Unit”.

24 (b) LAND TRANSFER.—The Secretary of Agriculture
25 shall—

1 (1) transfer the land described in subsection
2 (a)(1) to the Secretary; and

3 (2) adjust the boundary of the Rogue River-
4 Siskiyou National Forest to exclude the land trans-
5 ferred under paragraph (1).

6 (c) AVAILABILITY OF MAP.—The map shall be on file
7 and available for public inspection in the appropriate of-
8 fices of the National Park Service.

9 (d) DESIGNATION.—The land described in subsection
10 (a)(1) is designated as a National Preserve.

11 **SEC. 5. DESIGNATION OF MONUMENT.**

12 (a) IN GENERAL.—The Monument shall be known
13 and designated as the “Oregon Caves National Monument
14 and Preserve”.

15 (b) REFERENCES.—Any reference in a law, map, reg-
16 ulation, document, paper, or other record of the United
17 States to the Monument shall be considered to be a ref-
18 erence to the “Oregon Caves National Monument and Pre-
19 serve”.

20 **SEC. 6. WILD AND SCENIC RIVER DESIGNATIONS.**

21 Section 3(a) of the Wild and Scenic Rivers Act (16
22 U.S.C. 1274(a)) is amended by adding at the end the fol-
23 lowing:

24 “(171) OREGON CAVES NATIONAL MONUMENT,
25 OREGON.—The following segments in the State of

1 Oregon, to be administered by the Secretary of the
2 Interior:

3 “(A) CAVE CREEK.—The 2.6-mile segment
4 of Cave Creek from the headwaters at the River
5 Styx to the boundary of the Rogue River-
6 Siskiyou National Forest as a recreational river.

7 “(B) LAKE CREEK.—The 3.6-mile segment
8 of Lake Creek from the headwaters at Bigelow
9 Lakes to the confluence with Cave Creek as a
10 scenic river.

11 “(C) NO NAME CREEK.—The 0.6-mile seg-
12 ment of No Name Creek from the headwaters
13 to the confluence with Cave Creek as a wild
14 river.

15 “(D) PANTHER CREEK.—The 0.8-mile seg-
16 ment of Panther Creek from the headwaters to
17 the confluence with Lake Creek as a scenic
18 river.

19 “(E) RIVER STYX.—The segment of River
20 Styx from the source to the confluence with
21 Cave Creek as a recreational river.

22 “(F) UPPER CAVE CREEK.—The segment
23 of Upper Cave Creek from the headwaters to
24 the confluence with River Styx as a recreational
25 river.”.

1 **SEC. 7. ADMINISTRATION.**

2 (a) IN GENERAL.—The Secretary, acting through the
3 Director of the National Park Service, shall administer the
4 Monument and the National Preserve in accordance
5 with—

6 (1) this Act;

7 (2) Presidential Proclamation Number 876 (36
8 Stat. 2497), dated July 12, 1909; and

9 (3) any law (including regulations) generally
10 applicable to units of the National Park System, in-
11 cluding the National Park Service Organic Act (16
12 U.S.C. 1 et seq.).

13 (b) ECOLOGICAL FOREST RESTORATION ACTIVI-
14 TIES.—As soon as practicable after the date of enactment
15 of this Act, in accordance with subsection (a), the Sec-
16 retary shall carry out forest restoration activities within
17 the boundaries of the Monument and the National Pre-
18 serve—

19 (1) to reduce the risk of losing key ecosystem
20 components;

21 (2) to restore the proper role of fire in the eco-
22 system; and

23 (3) to ensure that forest attributes (including
24 species composition and structure) remain intact and
25 functioning within a historical range.

1 **SEC. 8. VOLUNTARY GRAZING LEASE OR PERMIT DONA-**
2 **TION PROGRAM.**

3 (a) DONATION OF LEASE OR PERMIT.—

4 (1) ACCEPTANCE BY SECRETARY CON-
5 CERNED.—The Secretary concerned shall accept any
6 grazing lease or grazing permit that is donated by
7 a lessee or permittee.

8 (2) TERMINATION.—The Secretary concerned
9 shall terminate any grazing lease or grazing permit
10 acquired under paragraph (1).

11 (3) NO NEW GRAZING LEASE OR PERMIT.—
12 With respect to each grazing lease or grazing permit
13 donated under paragraph (1), the Secretary con-
14 cerned shall—

15 (A) not issue any new grazing lease or
16 grazing permit within the grazing allotment
17 covered by the grazing lease or grazing permit;
18 and

19 (B) ensure a permanent end to livestock
20 grazing on the grazing allotment covered by the
21 grazing lease or grazing permit.

22 (b) EFFECT OF DONATION.—A lessee or permittee
23 that donates a grazing lease or grazing permit (or a por-
24 tion of a grazing lease or grazing permit) under this sec-
25 tion shall be considered to have waived any claim to any

1 range improvement on the associated grazing allotment or
2 portion of the associated grazing allotment, as applicable.

3 (c) NATIONAL PRESERVE.—With respect to land lo-
4 cated within the National Preserve, the Secretary shall
5 permit the grazing of domestic livestock—

6 (1) at a level not greater than the level at which
7 the grazing exists as of the date of enactment of this
8 Act; and

9 (2) in accordance with each applicable law (in-
10 cluding regulations).

11 **SEC. 9. HUNTING, FISHING, AND TRAPPING.**

12 (a) IN GENERAL.—Except as provided in subsection
13 (b), the Secretary shall permit hunting, fishing, and trap-
14 ping on land and water within the National Preserve in
15 accordance with each applicable law (including regula-
16 tions) of the Federal Government and the State.

17 (b) ADMINISTRATIVE EXCEPTIONS.—In accordance
18 with subsection (c), the Secretary may designate areas at
19 which, and establish limited periods during which, no
20 hunting, fishing, or trapping may be permitted within the
21 National Preserve due to concerns relating to—

22 (1) public safety;
23 (2) the administration of the National Preserve;
24 or

1 (3) the compliance by the Secretary with any
2 applicable law (including regulations).

3 (c) CONSULTATION WITH APPROPRIATE STATE
4 AGENCY.—Except to respond to a situation that the Sec-
5 retary determines to be an emergency, the Secretary shall
6 consult with the appropriate agency of the State before
7 taking any act to close any area within the National Pre-
8 serve to hunting, fishing, or trapping.

9 **SEC. 10. EFFECT.**

10 Nothing in this Act affects the authority or responsi-
11 bility of the State to carry out any law or duty of the
12 State relating to fish and wildlife on areas located within
13 the National Preserve.

14 **SEC. 11. AUTHORIZATION OF APPROPRIATIONS.**

15 There are authorized to be appropriated such sums
16 as are necessary to carry out this Act.

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